

REMARKS

The recitation introduced to Claim 1 specifying the amount of water in the claimed treatment composition, finds support in page 8, lines 10 and 12. The presently amended transitional language restricts the compositional makeup of the treatment composition to the recited components.

Claim 27 directed to an embodiment in which the treatment composition includes a dye has been cancelled.

Claims 1, 20 and 27 stand rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1 and 15 of co-pending Patent Application No. 10/733,111, now U.S. Patent 7,175,675 ("the '675 Patent").

The presently submitted terminal disclaimer is believed to address and overcome the rejection.

Claims 1-19 and 27 stand rejected under 35 U.S.C. 102(e) as anticipated by WO 03/083207 (Pyles).

Claim 27 has been cancelled.

The present invention is directed to a method for treating an article by contact with the treatment composition that includes any of a list of functional additives. As presently amended these additives are known in the art for their utility in the context of polymeric resins; none is known for its efficacy or utility in dyeing.

Pyles disclosed a process for tinting an article by contact with a dyeing bath that includes a dye – a compound known and used for its efficacy in dyeing.

The rejection under section 102 is believed addressed by the present amendment and its withdrawal is solicited.

Claims 1, 2-8, 10-12, 13, 15-19 and 22 stand rejected under 35 U.S.C. 103(a) as obvious over U.S. Patent 5,015,523 (herein Kawashima).

Kawashima disclosed a coated synthetic resin lens. In accordance with the referenced process an adhesion promoting primer layer is applied to the lens and a

cured abrasion resistant layer of a coating composition of colloidal silica is provided (column 3, lines 61 et seq.). The text indicated by the Examiner (7:59 - 8:28) refers to the compositional makeup of a copolymer suitable for use as the primer coating. While the copolymer may contain a UV absorber (column 8, lines 3-4) and/or a surfactant (column 8, line 26) **neither** is disclosed as a component of a treatment composition that contains water, carrier and diol as presently required.

Pointing to the referenced "primer coating solution" (column 9, lines 61 et seq.) the Examiner asserts that the thus disclosed preferred embodiment does not appear to teach away from mixtures outside the preferred range.

Applicants respectfully call attention to Kawashima's requirement (column 7 lines 19 et seq.) that the organic polymers be "major constituents" of the primer coating composition. Since "major" in the context of Kawashima means that no component may be present in greater amount than the organic polymer, it is submitted that the present amendment to Claim 1 - requiring water to be in an amount of at least 50% - addresses and overcomes the stated rejection.

Claim 1, the only independent claim, is respectfully asserted to thus be patentable over Kawashima. The remaining narrower claims that depend from Claim 1 are thus necessarily similarly patentable over the reference.

Withdrawal of the rejections in view of the amendment is solicited.

Claims 2 and 9 stand rejected under 35 U.S.C. 103(a) as obvious over Kawashima.

Patentability of Claim 2 over Kawashima has been addressed above. Claim 9 is directed to an embodiment where the claimed treatment composition further includes a specific surfactant.

The present amendment and argument presented above relative to Kawashima are believed addressing and overcoming the rejection.

Withdrawal of the rejections in view of the amendment is solicited.

Claim 14 stands rejected under 35 U.S.C. 103(a) as obvious over Kawashima in view of Ono (U.S. Patent 5,914,193).

Claim 14 that depends from Claim 1 is directed to an embodiment wherein the plastic article provided in step (a) of the claimed process includes at least one of dyes, pigments, certain micro spheres and metal flakes.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Ono disclosed a method for making a photochromic lens.

Nothing in Ono is seen as augmenting Kawashima in any presently meaningful manner.

The rejection of Claim 14 under section 103(a) is clearly untenable. The reconsideration and withdrawal of the rejection are urged.

Claims 20, 21 and 27 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 5,846,607 (herein Hurley).

Claim 27 has been cancelled.

Claim 20 that depends from Claim 1 restricts the scope of the claimed article to pellets or strands.

Claim 21 that indirectly depends from Claim 1 further requires that the claimed treated article in the form of pellets or strands be melted, introduced into a mold and thus form a treated shaped article.

Kawashima has been discussed above and its shortcomings in the present context were noted. Hurley disclosed a thermoplastic resin having a body coated with a layer of a lower melting thermoplastic coating composition. Nothing in Hurley appears to supplement Kawashima in a manner describing the embodiments at issue.

The rejection of Claims 20 and 21 under section 103(a) is clearly untenable. The reconsideration and withdrawal of the rejection are urged.

Claim 24 stands rejected under 35 U.S.C. 103(a) as unpatentable over Kawashima in view of Daughenbaugh (U.S. Patent 6,506,864).

Claim 24 that depends from Claim 1 is directed to an embodiment whereby the treatment composition is treated with activated carbon.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Daughenbaugh disclosed a polymerizable composition of allyl functional monomers. Nothing in Daughenbaugh is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 24 under section 103(a) is clearly untenable. The reconsideration and withdrawal of the rejection are urged.

Claim 25 stands rejected under 35 U.S.C. 103(a) as unpatentable over Kawashima in view of Daughenbaugh.

Claim 25 that depends from Claim 1 is directed to an embodiment whereby the treatment composition is filtered.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Daughenbaugh disclosed a polymerizable composition of allyl functional monomers. Nothing in Daughenbaugh is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 25 under section 103(a) is clearly untenable. The reconsideration and withdrawal of the rejection are urged.

Claim 26 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Kawashima in view of U.S. Patent 3,045,315 (herein Dusenbury).

Claim 26 that depends from Claim 1 is directed to an embodiment whereby the treatment composition is introduced into an immersion tank through a plate having a plurality of perforations.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment

composition of the present invention. Dusenbury disclosed an apparatus for orienting continuous filament yarns. Nothing in the secondary document is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 26 under section 103(a) is clearly untenable. The reconsideration and withdrawal of the rejection are urged.

Claim 28 stands rejected under 35 U.S.C. 103(a) as unpatentable over Kawashima in view of Brown (U.S. Patent 4,977,029).

Claim 28 that depends from Claim 1 is directed to an embodiment whereby at least a portion of the surface of the treated article is contacted with a rinse composition.

Kawashima has been discussed above and its shortcomings in the present context were noted. Nothing in Kawashima describes or suggests the treatment composition of the present invention. Brown disclosed a tintable coating for glass, ophthalmic lenses. Nothing in Brown is seen to augment Kawashima in a presently relevant manner.

The rejection of Claim 28 under section 103(a) is clearly untenable. The reconsideration and withdrawal of the rejection is urged.

The Examiner's comments set forth in paragraph 16 of the Office Action have been noted.

The Examiner's comment a) invites no response from Applicants.

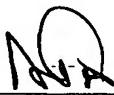
In response to Examiner's comment b), Applicants submit herewith a terminal disclaimer believed to address and overcome the obviousness-type double patenting rejection over U.S. Patent 7,175,675.

The present amendment to Claim 1 respecting the compositional makeup of the treatment composition is believed to address Examiner's comment c).

The present amendment to Claim 1 respecting the amount of water in the treatment composition is believed to address Examiner's comment d).

Believing the above represent a complete response to the Office Action and that the application is in condition for allowance, applicants request the earliest issuance of an indication to this effect.

Respectfully submitted,

By 
Aron Preis
Attorney for Applicants
Reg. No. 29,426

Bayer MaterialScience LLC
100 Bayer Road
Pittsburgh, Pennsylvania 15205-9741
(412) 777-3814
FACSIMILE PHONE NUMBER:
(412) 777-3902
s:\shared\jmf\AP8027.amd